



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,019	08/31/2001	Matthew A. LeGrow	NA11P031/01.182.01	1646

28875 7590 06/30/2005

Zilka-Kotab, PC  
P.O. BOX 721120  
SAN JOSE, CA 95172-1120

EXAMINER

REVAK, CHRISTOPHER A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/945,019

Applicant(s)

LEGROW, MATTHEW A.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-31 is/are rejected.
- 7) ☒ Claim(s) 11 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 14-26, 29, and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 14-26 and 31, the current claim language recites of a computer program product that is not tangibly embodied that is just software alone and of itself. The examiner suggests incorporating language such as "a computer program product comprising a computer program stored on a computer readable medium" to overcome the non-statutory rejection.

As per claim 29, it is recited of "an Internet Protocol address data structure" which is not tangibly embodied and is just software alone and of itself. The examiner suggests language such as "a workstation comprising an Internet Protocol address data structure", "a server comprising an Internet Protocol address data structure", or something similar to show that the "an Internet Protocol address data structure" is tangibly embodied on a physical device.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10,12-23, and 25-31 are rejected under 35 U.S.C. 102(b) as being anticipated by the Internet Scanner User Guide, herein referred to as ISS.

As per claims 1,14, and 27, ISS discloses of a method, system, and computer program for configuring policies among a plurality of network components equipped with scanners. An Internet Protocol address at a particular one of network components equipped with a scanner, wherein the same IP address is utilized to configure policies among a plurality of the network components. A portion of the IP address at the particular one of the network components is identified and a policy unique to the particular one of the network components is determined and the identified portion of the IP address is utilized (page 3; pages 5-6, step 1; and pages 8,35,38 ,56, & 66).

As per claims 2 and 15, ISS teaches that the network components comprise hosts (page 38).

As per claims 3 and 16, ISS discloses that the IP is IPv4 (page 3).

As per claims 4 and 17, it is taught by ISS that the portion of the IP address includes a network part of the IP address (page 38).

As per claims 5 and 18, the teachings of ISS disclose of a policy that dictates which hosts are to be scanned (page 38).

As per claims 6 and 19, ISS teaches of a portion of the IP address includes a predetermined number of bits of the IP address (page 38).

As per claims 7 and 20, it is disclosed by ISS that a plurality of bits are reserved for defining an interface index value (page 38).

As per claims 8 and 21, the teachings of ISS recite of utilizing the interface index value to identify an interface of the network component to be scanned in accordance with the policy (page 38).

As per claims 9 and 22, the teachings of ISS disclose that the index interface value is utilized to look up the interface in an index table (page 38).

As per claims 10 and 23, ISS discloses that a plurality of bits are reserved for defining a subnet selector value (page 38).

As per claims 12 and 25, it is taught by ISS of scanning the particular components utilizing the determined policy (page 35 & 38).

As per claims 13 and 26, ISS discloses that the particular network components are equipped with a scanner adapted to utilize the policy for scanning purposes (page 3).

As per claim 28, ISS teaches of a method for generating an Internet Protocol address for configuring a policy among a plurality of network components equipped with scanners. An IP address is generated and transmitted to a plurality of network components each equipped with a scanner. The network components are each capable of identifying a portion of the IP address and determines a policy unique to the network component utilizing the identified data portion of the IP address (page 3; pages 5-6, step 1; and pages 8,35,38 ,56, & 66).

As per claim 29, it is disclosed by ISS of an Internet Protocol address data structure for configuring a policy among a plurality of network components equipped with scanners. An interface object identifies an interface to be scanned in accordance with a policy. A subnetwork object identifies a mask to use in determining a subnetwork to be scanned in accordance with the policy (page 3; pages 5-6, step 1; and pages 8,35,38 ,56, & 66).

As per claims 30 and 31, it is taught by ISS of a method and computer program product for embedding information in a Internet Protocol address for scanning purposes. Information is embedded in an IP address and sending the IP address to network components. The information is capable of being used by a scanner for scanning purposes (page 3; pages 5-6, step 1; and pages 8,35,38 ,56, & 66).

#### ***Allowable Subject Matter***

5. Claims 11 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It was not found to be taught in the prior art of a plurality of bits are reserved for defining a subnet selector value, the subnet selector value indicates which mask to use for identifying a portion of an IP address and determining a policy unique to the particular network component utilizing the portion of the IP address.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR  
*CR*  
June 26, 2005

Christopher Revak  
AU 2131

*CR*  
6/26/05